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10/806,224	03/23/2004	Sayling Wen	3313-1142PUS1	1671
2292 7590 04/14/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER GISHNOCK, NIKOLAI A				
ART UNIT		PAPER NUMBER		
3714				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/806,224

Applicant(s)

WEN ET AL.

Examiner

Nikolai A. Gishnock

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-10,12,13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10,12,13,15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In response to Applicant's remarks, filed 12/11/2007, claims 4, 5, 11, & 14 are cancelled. Claims 1-3, 6-10, 12, 13, 15, & 16 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, & 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Pellegrino et al. (US 6,149,441), hereinafter known as Pellegrino.

3. Pellegrino discloses an Internet educational system and method, combining learning and academics, used to implement lesson and related academic affair managing between faculty and students (a computer-based educational system, accessed by teachers and students via Internet browser applications, in which the students may collaborate with other students as well as the teacher, Abstract), comprising: a member managing module, used to complete identity authentication and data inquiry for faculty and students (User Management capability provides for the identification and validation of users, and for the tracking of logon/logoff activity, 26:52-58), comprising: a faculty managing unit, which stores a faculty member list that is used to complete faculty qualification authentication and record identity verification; and a student managing unit, which stores a student member list that is used to complete student enrollment registration and record identification verification (two databases are maintained to support this {User Management} function: one for student users, and the other for non-student or staff users,

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26:52-58); a course managing module (Student/Support/Teacher/Administrative Home Pages, 9:39-61), which provides course placement (student is in three classes – “Astronomy 200”, “Ecology”, and “History 400”, 9:39-61, see also Figure 4), verifies course selection information (user can initiate lessons and navigate through a given lesson, 9:39-61), and displays the faculty member list and course list to online students (for an authorized user, “user management” button allows a user to display a search results screen which displays the user database for each respective user, in the “Student” database or the “Staff” database, 26:65-27:36), which comprises of a course database, which stores at least one course data, including text and multimedia picture content, provides course selection and online teaching (lesson database for storing existing lessons, each of which includes predetermined lesson material, including one or more of text, image, video, audio, and application program files, and providing a display of output for a user, 3:9-16); a course scheduling module (Student Home Page, 9:20-61), which receives course selection information (student is in three classes, “Start Lesson” button is provided for initiating the lessons, 9:20-61) and appointment with lecturing faculty from a student (using collaboration software, 26:7-22), transmits selected course selection information and faculty appointment information to the online faculty (teacher home page has “class management” function for creating classes and assigning students to those classes, 10:50-11:7; the limitation, “for conflict verification” is understood to be intended use, and not given significant patentable weight herein, as course scheduling performs the function of preventing conflicts), then transmits said verification result back to said student (Upon activating the respective “Start Lesson” button, {lesson} page is presented to the student, 9:62-10:16, the student must inherently be scheduled in the class to start the lesson); a lecturing module (lesson delivery management module, 26:7-22), which, according to student selected course information and lesson time (inherently in Pellegrino, based on the selected lesson and

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scheduled time), retrieves corresponding lesson content from said lesson database (lesson delivery management module delivers the lesson to the student, 26:7-22), and simultaneously connects corresponding lecturing faculty and students online to execute a teaching activity (the provision to the student of collaboration tools, allows joint assignments that are worked on by multiple students and a teacher, each at a separate computer, 26:7-22), and, during lecture, said lecturing faculty grades said student's learning process (the lesson can include a button for submitting the finished editorial to the teacher for grading and an evaluation, 10:40-42), collects all grade statistics (Navigation Element allows the teacher to record all the actions taken by each student as he or she progresses through the selections provided, to allow the teacher to later review the manner in which the student utilized the navigation, 22:22-52), and obtains learning grade for a current level (the teacher may access the information of the database to assess student comprehension and performance in carrying out the assignments of the lesson and for generating reports based on the recorded data, 22:22-52); and a grade managing module (User Management Administrative Screen, 26:65-27:36), which is used to receive said learning grade (User Management screen includes an "Add Student User" form, requesting entry of information on the respective student for each of the fields of the student database, including grade, 26:65-27:36), and computes said learning grade in different levels to a grade listing, and displays and outputs said grade list, so faculty and student can inquire the list to obtain said learning grade instantaneously (Navigation Element is used to generate reports based on recorded actions taken by each student, as he or she progresses, 22:42-52; the process of generating reports would inherently require computing the grade; Pellegrino discloses that the navigation data is recorded in a class-specific database, 22:42-52; the usage of the word *class* in Pellegrino is understood to mean the students' level of progression in a school's classification system (as in 26:23-24); conversely, the word *grade* in Pellegrino is

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understood to mean the user's score or ranking in a course; thus, the class-specific recorded student actions as understood to be computing a learning grade in different levels) [Claim 1].

4. Pellegrino discloses wherein said faculty managing unit also comprises of faculty who pass qualification authentication by implementing password generation, change, and inquiry functions (a teacher can allow others to modify a lesson by checking the check box, and can require use of a password for such modification by entering a password in the password field, 16:63-66; it is inherent that those allowed to modify the lesson are qualified by the teacher to do so) [Claim 2], and wherein said student managing unit also comprises of a student passing enrollment registration by implementing password generation, change, and inquiry functions [Claim 3] (Student Home page "Logon Page", Figure 3; for providing student's password, 9:20-37; A student, class, or some other grouping of student users is added to the lesson's "permission to run" list, 9:56-58, in order for the student(s) to see the lesson; also, in regard to implementation of password functions, "user management" button {is available} for managing the capabilities available to, and required by various users, for example, changing user passwords, and for reviewing student logon information, 10:62-66) [Claims 2 & 3].

5. Pellegrino discloses wherein said course scheduling module transmits a student's course selection result to a corresponding lecturing faculty, so said lecturing faculty can execute lesson preparation after obtaining the course selection result (student is in three classes, "Start Lesson" button is provided for initiating the lessons, and each lesson's web pages include a navigation scheme, 9:39-61; the Navigation Element allows the teacher to record the actions taken by each student as he or she progresses, 22:42-52; hence, student's course selection is transmitted to the faculty member) [Claim 6].

6. Pellegrino discloses wherein said lecturing module constructs an Internet connection between a lecturing faculty member and student, and connects voice and video between the

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lecturing faculty member and a student (using collaboration tools, the essay assigned to students can be a joint assignment that is to be worked on by multiple students and a teacher, each at a separate client computer. Each can view a video of the others while some or all edit and compose the essay, 26:7-22; also debate via video teleconferencing, Figure 8, Item 210; it is inherent in Pellegrino that the collaboration tools disclosed, such as Microsoft Corporation's MS NetMeeting™ and Cornell University's CUSeeMee™ transmit both video and voice data) [Claim 7].

7. Pellegrino discloses wherein said lecturing module transmits current course content simultaneously to said faculty and student, allowing interactive teaching, focusing on a corresponding lesson topic (Students and teachers may access the Internet during delivery of a lesson, 3:46-58; also, 26:7-22 shows interactive, collaborative teaching in Pellegrino; the joint assignment is worked on by the students and the teacher simultaneously) [Claim 8].

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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10. Claims 9, 10, 12, 13, 15, & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino, in view of Bunting (US 6,629,843 B1), hereinafter known as Bunting.

11. Pellegrino teaches all the features as demonstrated above in the rejection of claim 1, including providing faculty online to receive a student's course selection information. What Pellegrino fails to teach is wherein said lesson scheduling module also comprises of transmitting a check result back to the student or verifying student's said course schedule and returning a verification result back to said student and corresponding a faculty member [Claim 13], and reminding a student to restart course scheduling if there is a conflict in the verification result [Claim 9]. However, Bunting teaches an online Internet-based training system, comprising a calendar event selection subsystem, where the counselor of a course is emailed when a user schedules that course (8:26-41), thus providing the student's course selection to a faculty member online. Where the user has selected the event categories, the user's personal calendar displays the user's selected categories and personal events, and a determination is made whether the {user's} event selection conflicts with another scheduled event or course (6:58-7:14), thus providing a check or verification result, as all the user's events are displayed on the user's calendar. Because the same personal calendar is used for both events and courses, it is inherent in Bunting that a course is treated merely as a series of events to be scheduled. When an event conflict exists, the user is warned about the conflict and asked whether they still wish to schedule the event (7:15-25), thus providing a reminder to restart scheduling the course. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have provided a check or verification back to the student, warning the student to restart course selection if a conflict is discovered, as taught by Bunting, in the Internet-based

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educational system of Pellegrino, in order to provide early resolution of potential conflicts in courses and events by canceling one of the conflicting courses or events [Claims 9 & 13].

12. Pellegrino discloses wherein said faculty managing unit also comprises of faculty who pass qualification authentication by implementing password generation, change, and inquiry functions (a teacher can allow others to modify a lesson by checking the check box, and can require use of a password for such modification by entering a password in the password field, 16:63-66; it is inherent that those allowed to modify the lesson are qualified by the teacher to do so), and wherein said student managing unit also comprises of a student passing enrollment registration by implementing password generation, change, and inquiry functions (Student Home page "Logon Page", Figure 3; for providing student's password, 9:20-37; A student, class, or some other grouping of student users is added to the lesson's "permission to run" list, 9:56-58, in order for the student(s) to see the lesson; also, in regard to implementation of password functions, "user management" button {is available} for managing the capabilities available to, and required by various users, for example, changing user passwords, and for reviewing student logon information, 10:62-66) [Claim 10].

13. Pellegrino discloses wherein said step of verifying student's said course schedule and return verification result, comprises a corresponding online faculty member verifying the student's course schedule, and returning a verification result (the present invention {of Pellegrino} includes provision for assigning students to classes, teachers to classes, and controlling the lessons to which students have access, via the Teacher Home Page, 26:23-32) [Claim 12].

14. Pellegrino discloses wherein said lecturing module constructs an Internet connection between a lecturing faculty member and student, and connects voice and video between the lecturing faculty member and a student (using collaboration tools, the essay assigned to

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students can be a joint assignment that is to be worked on by multiple students and a teacher, each at a separate client computer. Each can view a video of the others while some or all edit and compose the essay, 26:7-22; also debate via video conferencing, Figure 8, Item 210; it is inherent in Pellegrino that the collaboration tools disclosed, such as Microsoft Corporation's MS NetMeeting™ and Cornell University's CUSeeMee™ transmit both video and voice data) [Claim 15].

15. Pellegrino discloses wherein said step of displaying learning grade to said student also comprises of: receiving student's grade inquiry data, searching for a corresponding learning grade from said grade database from said inquiry data, and displaying said learning grade to a student (the system displays a search screen which displays the current information in each of the database fields for the respective user 27:24-30; student database includes grade, 27:4-10; because the system works the same way, the difference in what is displayed being only the user's access level {as in 9:29-38}, it is inherent that Pellegrino discloses searching based on a student's inquiry, and displaying grades to a student) [Claim 16].

Response to Arguments

16. Applicant's arguments filed 12/11/2007 have been fully considered but they are not persuasive. Applicant states at pages 12-14 that Examiner acknowledged that Pellegrino does not disclose or teach anything about "conflict" as recited in claims 1 and 9. However, Examiner made no such remark. Pellegrino clearly teaches a computer-based system for providing conflict verification in the form of a course scheduling database, as disclosed in Applicant's Specification at page 3, lines 2-10, at least at 2:45-54. The limitation of claim 1, reciting "for conflict verification", is recognized as intended use feature, of which the course scheduling database of Pellegrino is capable of performing. Thus, the intended use limitation is herein not

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afforded patentable weight. Applicant further states that Bunting only teaches disclosing a conflict on a "user" or "student" side, and fails to teach conflict disclosure on a "faculty side". However, Bunting teaches that a user is not merely a student, but may be a community member, counselor, administrator, or participant, at 4:43-60. Further, Bunting explicitly teaches that a counselor may be notified of a change in scheduling by email, at 8:26-41. Thus, Bunting is understood to teach conflict verification for both student and faculty "sides", among others, depending on the user's "side" as registered.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to whose telephone number is (571)272-1420. The examiner can normally be reached on M-F 8:30a-5p.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/7/2008

/N. A. G./

Examiner, Art Unit 3714

/Ronald Laneau/

Supervisory Patent Examiner, Art Unit 3714